

MAY 20 1993

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Request for Declaratory Ruling by)
National Association of Broadcasters)
and Association of Independent)
Television Stations, Inc.)

MM Docket No. 92-259

Implementation of the Cable Television)
Consumer Protection and Competition)
Act of 1992: Broadcast Signal)
Carriage Issues)

OPPOSITION TO REQUEST FOR DECLARATORY RULING

Cablevision Systems Corporation ("Cablevision"), by its attorneys, hereby opposes the Request for Declaratory Ruling filed on May 13, 1993, by the National Association of Broadcasters ("NAB") and Association of Independent Television Stations, Inc. ("INTV"), in the above-captioned proceeding. NAB and INTV are seeking clarification of several aspects of the Commission's must carry Order,^{1/} based on unproved allegations that cable operators are deliberately misconstruing the Order's requirements in an effort to circumvent or delay implementation of the must carry rules.

Cablevision believes that the clarifications sought are unnecessary and unjustified. The accuracy of the "facts" adduced to support the instant request are likewise questionable. As an example of cable operators' alleged delaying tactics, for

^{1/} Implementation of the Cable Television Consumer Protection and Competition Act of 1992: Broadcast Signal Carriage Issues, MM Docket No. 92-259, FCC 93-144 (rel. March 29, 1993) ("Order").

instance, NAB and INTV attached to their request a letter sent to INTV by WLIG (TV 55) purportedly documenting Cablevision's efforts to delay must carry receipt of the station's signal.^{2/} As the attached affidavit from William Quinn, Cablevision's President, Cable Operations, explains, however, Cablevision has not attempted to delay carriage of WLIG on any of its systems in Long Island, New York City or Connecticut. To the contrary, Cablevision has taken a number of steps, including fiber network extensions, to facilitate the carriage of WLIG.^{3/}

CONCLUSION

The allegation that Cablevision has attempted to delay WLIG's efforts to obtain must carry status are untrue, casting doubt on the validity of NAB and INTV's other allegations and highlighting the danger of making policy in haste on the basis of unsupported charges. Given the absence of any demonstrated

5. ^{2/} See Request for Declaratory Ruling at 3 n.9 and Exhibit

^{3/} See Attached Declaration.


factual basis or compelling justification therefor, the Request
for Declaratory Ruling should be denied.

Respectfully Submitted,

CABLEVISION SYSTEMS
CORPORATION

Of Counsel:

Robert S. Lemle
Senior Vice President and
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Cablevision Systems Corporation


Howard J. Symons
Leslie B. Calandro
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701 Pennsylvania Avenue, N.W.
Suite 900

DECLARATION

I, William Quinn, do hereby declare as follows:

1. I am President, Cable Operations, of Cablevision Systems Corporation ("Cablevision"). In that capacity, I have primary responsibility for the operation of cable systems serving more than 2 million subscribers in 19 states. My responsibilities

6. We understand that Time Warner is attempting to get WLIG's signal to the head-end of its Paragon system in Manhattan. If they are successful, Cablevision has existing fiber facilities that can deliver the signal to our head-ends in Brooklyn and The Bronx. We have informed WLIG of this possibility.

7. In Connecticut, W57BC fails to meet the FCC's standards for signal strength at either our Norwalk or Bridgeport head-ends. WLIG has apparently contacted Southern New England Telephone Company ("SNET") to investigate the possibility of installing a microwave link from an apartment house in Stamford to our head-end in Norwalk. They reportedly intend to cure the signal level problem by taking a feed from a SMATV operator and microwaving it to our head-end there.

8. On May 11, we received a request from SNET for permission to conduct a line-of-sight survey to determine the feasibility of constructing microwave paths to our Connecticut head-ends. We consented to the survey on the morning of May 13. Since Cablevision does not own the building housing the head-end, we needed the day to clear the survey with the building owner. (In the interim, without consulting with us, WLIG prepared the letter submitted to the FCC by NAB and INTV.) The survey was conducted on May 14. The line-of-sight survey was successful for Norwalk roof, but failed for Bridgeport. We are responding to WLIG's request for help in getting their signal from Norwalk to Bridgeport using our own facilities.

9. WLIG has told us they intend to install a new translator in Stamford in order to avoid imposing distant-signal copyright liability on Cablevision. They would then hand off the translator signal to SNET's microwave. If they use the translator, the signal path would run as follows: transmitted from Channel 55 in Ridge, Long Island; received at Stamford; reprocessed to the new translator frequency; demodulated to video; handed off to SNET; transmitted via SNET microwave from Stamford; received via SNET microwave at Norwalk; demodulated to video; handed off to Cablevision; remodulated to be carried on the cable system. There is no assurance that a signal carried over such a path will produce an acceptable-quality picture.

I declare under the penalty of perjury that the foregoing is
true and correct.

A handwritten signature, possibly reading "D. P.", is written in ink above a series of horizontal lines that appear to be a signature strip or a set of ruled lines.

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of May, 1993, I caused a true copy of the foregoing Opposition to Request for Declaratory Ruling to be delivered by hand to:

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